

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**Rico Isaih Hairston,**

**Plaintiff,**

**Case No. 2:18-cv-826**

**v.**

**Judge Michael H. Watson**

**Shelbie Smith, et al.,**

**Magistrate Judge Vascura**

**Defendants.**

**ORDER**

Magistrate Judge Vascura issued an Order and Report and Recommendation (“R&R”) on September 25, 2018, granting Plaintiff leave to proceed *in forma pauperis* and recommending the Court dismiss this action for failure to state a claim and deny as moot Plaintiff’s motion for a temporary restraining order (“TRO”), ECF No. 2, and motion for the Clerk to make service copies, ECF No. 3. R&R, ECF No. 12. The R&R recommends dismissing the due process claims relating to Plaintiff’s confinement in segregation and alleged violations of state administrative regulations and policies as well as his claims relating to asbestos and mold exposure without prejudice to continuing to prosecute those claims in case number 2:18-cv-378. *Id.* at 7–8. The R&R recommends dismissing Plaintiff’s due process claim relating to his increased security level and equal protection claims with prejudice. *Id.* at 8.

The R&R advised Plaintiff of his right to object to the same and of the consequences for failing to do so. *Id.* at 11. Specifically, it warned Plaintiff that

the failure to object to the R&R would result in a waiver of the right to *de novo* review of the R&R as well as a waiver of the right to appeal the Undersigned's adoption of the R&R. *Id.* The time for filing objections has passed, and none were filed. Accordingly, the Court **ADOPTS** the R&R and **DISMISSES** this case pursuant to the recommendations contained therein.

**IT IS SO ORDERED.**



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MICHAEL H. WATSON, JUDGE  
UNITED STATES DISTRICT COURT